

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
Scotland School District  
Accountability Review - Monitoring Report 2011-2012**

**Team Members:** Linda Shirley, Team Leader; Dustin Hinckley, Donna Huber, Educational Specialists, Bev Petersen  
Transition Liaison

**Dates of On Site Visit:** September 15, 2011

**Date of Report:** October 19, 2011

**All non-compliance must be corrected within 1 year of this report date. Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or

- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

#### **Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

### **1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:30:04. Prior notice and parent consent.** Written notice which meets the requirements of § 24:05:30:05 must be given to the parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The five-day notice requirement may be waived by the parents. If the notice described in this section relates to an action proposed by the district that also requires parental consent, the district may give notice at the same time it requests parent consent.

Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services. Parental consent is not required before:

(1) Reviewing existing data as part of an evaluation or reevaluation; or

(2) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

#### **24:05:30:05. Content of notice.**

The notice must include a description of each evaluation procedure, test, record, or report that the district uses as a basis for the proposal or refusal.

#### **Corrective Action:**

**Prong 1: Correct each individual case of noncompliance** (Briefly describe the issues found surrounding this ARSD)  
Prior notices not having correct content. Evaluations listed that were not completed and Evaluations administered that were not on the prior notice were given.

**File Number(s)** (List all file numbers and the issues associated with each file)  
Student #3: Prior notice for evaluation stated standardized and functional cognitive, behavioral testing, and adaptive behavior would be evaluated. Areas evaluated that were not on the prior notice are communication, gross motor, and personal-social.  
Student #4: Ability testing was completed without prior notice.  
Student #6: Prior notice for evaluation listed the names of the evaluations given, and the ability listed WISC-IV when the S-B was given. Achievement listed the Woodcock-Johnson and the KTEA was given.

**Required Action:** (Describe the action steps the district must take to correct each file)  
The areas listed above can't be corrected, so the following information will be provided by the district to ensure correct content of the prior notices will be achieved. The district will have an in-service on completing the prior notice. The district will develop specific policy, practice and procedures to ensure prior notices for evaluation have correct content and are completed correctly.

**Data To Be Submitted:** (Describe the specific data that must be submitted for each file)

Submit the date of the in-service and those attending. Send a copy of the district's policy, practice and procedures to ensure all prior notices have been completed to provide parents with accurate information.

**Timeline for Completion:** (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader.

**December 1, 2011**

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Data To Be Submitted:** (Describe specifically, what data and by whom must be submitted to verify continued compliance with the ARSD)

All prior notices for initial or reevaluations will be submitted with the reports for each evaluation completed. The MDT will be submitted.

**Target Date for Completion:** (Document the specific date by which the district must verify continued correction and submitted documentation to the team leader.

**January 30, 2012**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**

## **2.GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

### **ARSD 24:05:22:03 Certified child**

A certified child is a child in need of special education or special education and related services formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individual with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3-21 inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

**24:05:25:03. Preplacement evaluation.** Before any action is taken concerning the initial placement of a child with disabilities in a special education program, a full and individual evaluation of the child's educational needs must be conducted in accordance with the requirements of this chapter. The evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.

**24:05:25:04.03. Determination of eligibility.** Upon completing the administration of assessments and other evaluation measures as required by this chapter, the individual education program team and other qualified individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, and shall determine the educational needs of the child, as defined in this article. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. A student may not be determined to be a student with a disability if the determinant factor for that decision is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in ESEA, or lack of appropriate instruction in math or limited English proficiency and if the student does not otherwise meet the eligibility criteria under chapter § 24:05:24.01.

### **Corrective Action:**

**Prong 1: Correct each individual case of noncompliance** (Briefly describe the issues found surrounding this ARSD)  
Correct evaluations were not completed to determine eligibility. Transition evaluations were completed, but no report was

written.
<p><b>File Number(s)</b> (List all file numbers and the issues associated with each file)</p> <p><u>Student: #3</u> This student is identified on the December 1, 2010 child count under the eligibility category of multiple disability. No achievement evaluation was completed to determine eligibility or for programming. No medical diagnosis was found to show an orthopedic impairment.</p> <p><u>Students 10,11</u> Transition evaluations were completed, but a report was not written and given to parents.</p>
<p><b>Required Action:</b> (Describe the action steps the district must take to correct each file)</p> <p><u>Student: #3</u> The district will reevaluate the student in the area of academic achievement and obtain current medical data from a qualified medical examiner to determine an orthopedic impairment. The IEP team must meet to review scores from the achievement evaluation amend the IEP if needed and determine eligibility.</p> <p><u>Students 10,11:</u> Evaluation reports must be written and copies provided to parents in the area of transition. A meeting will be held to give a copy of the reports to parents and amend the IEP if needed.</p>
<p><b>Data To Be Submitted:</b> (Describe the specific data that must be submitted for each file)</p> <p><u>Student: #3</u> The district will submit prior notices for evaluations and prior notices for the meeting. The district will submit current medical data for orthopedic impairment. Documentation of the meeting results from the achievement evaluation and the team's decision for placement of this student will be submitted.</p> <p><u>Students 10,11:</u> The district must submit prior notice for the meeting to amend the IEP to include transition information and give reports to parents.</p>
<p><b>Timeline for Completion:</b> (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader.</p> <p><b>November 15, 2011</b></p>

<p><b>Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.</b></p>
<p><b>Required Action:</b> (Describe specifically, who and what steps must be taken by the district to verify continued compliance with the ARSD)</p> <p>The IEP teams must consistently collect all data to address correct eligibility for each individual student.</p>
<p><b>Data To Be Submitted:</b> (Describe specifically, what data and by whom must be submitted to verify continued compliance with the ARSD)</p> <p>The district must submit a copy of all evaluations, reevaluations and MDTs completed during the next 4 months.</p>
<p><b>Target Date for Completion:</b> (Document the specific date by which the district must verify continued correction and submitted documentation to the team leader.</p> <p><b>February 15, 2012</b></p>
<p><b>All non-compliance must be corrected within 1 year of this report date.</b></p>
<p><b>Date:</b></p> <p><b>Status Report:</b></p>

### **3.GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**24:05:25:06. Reevaluations.** A school district shall ensure that a reevaluation of each child with a disability is conducted in accordance with this chapter if the district determines that the educational or related service needs, including improved academic achievement and functional performance of the child, warrant a reevaluation, or if the child's parents or teacher requests a reevaluation.

A reevaluation conducted under this section may occur not more than once a year, unless the parent and district agree otherwise, and must occur at least once every three years, unless the parent and the district agree that a reevaluation is unnecessary.

Reevaluations must be completed within 25 school days after receipt by the district of signed consent to reevaluate unless other time limits are agreed to by the school administration and the parents consistent with § 24:04:25:03.

Each school district shall follow the procedures under § 24:05:25:04.02 when reevaluating a student for the additional purposes of:

- (1) Determining whether the child continues to have a disability and determining the educational needs of the child;
- (2) Determining the present levels of academic achievement and related developmental needs of the child;
- (3) Determining whether the child continues to need special education and related services; and
- (4) Determining whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum.

If no additional data are needed to determine continuing eligibility and the child's educational needs, the district shall notify the parents of that determination and reasons for it and of the right of the parent to request an assessment, for purposes of determining the child's educational needs under this article, and to determine continuing eligibility. The school district is not required to conduct an assessment unless requested to do so by the child's parents. However, a school district shall follow the procedures in this chapter before determining that the child is no longer a child with a disability. The evaluation procedures described in this chapter are not required before the termination of a child's eligibility under this article due to graduation from a secondary school with a regular high school diploma, or exceeding the age eligibility for FAPE.

**Corrective Action:**

**Prong 1: Correct each individual case of noncompliance** (Briefly describe the issues found surrounding this ARSD)  
Student did not have a reevaluation and no documentation was completed to determine if reevaluations were needed.

**File Number(s)** (List all file numbers and the issues associated with each file)

**Student # 7:** This student is identified on the December 1, 2010 child count under the eligibility category of cognitive disability. The three year reevaluation was due on 10/7/10 and was not completed.

**Required Action:** (Describe the action steps the district must take to correct each file)

The IEP team must conduct a three year evaluation to determine eligibility. The team must meet and review all evaluations and if needed develop a new IEP for this student.

**Data To Be Submitted:** (Describe the specific data that must be submitted for each file)

The district must submit the prior notice/consent for the administration of evaluations, the prior notice for the meeting to determine eligibility, MDT, and IEP.

**Timeline for Completion:** (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader.

**November 15, 2011**

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:** (Describe specifically, who and what steps must be taken by the district to verify continued compliance with the ARSD)

The district must consistently ensure all students met the timeline for their three year reevaluation.

**Data To Be Submitted:** (Describe specifically, what data and by whom must be submitted to verify continued compliance with the ARSD)

A list of all students and when their 3 year reevaluations are due will be developed and submitted. Documentation submitted for General Supervision 1 will be used to verify correction of the rest of this finding.

**Target Date for Completion:** (Document the specific date by which the district must verify continued correction and submitted documentation to the team leader.

**February 15, 2012**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**

#### **4.GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:25:04. Evaluation procedures -- General.** School districts shall ensure, at a minimum, that evaluation procedures include the following:

(5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents that may assist in determining:

- (a) Whether the child is a child with a disability; and
- (b) The content of the child's IEP, including information related to enabling the child:
  - (i) To be involved in and progress in the general education curriculum; or
  - (ii) For a preschool child, to participate in appropriate activities;

#### **Corrective Action:**

**Prong 1: Correct each individual case of noncompliance** (Briefly describe the issues found surrounding this ARSD)

Through a review of student records the monitoring team noted that skill based assessment was not conducted in three student files reviewed.

**File Number(s)** (List all file numbers and the issues associated with each file)

Student #3 This student is identified on the December 1, 2010 child count under the eligibility category of multiple Disability. The student did not have any skill based assessment in the area of Orthopedic Impairment.

Student #10 This student is identified on the December 1, 2010 child count under the eligibility category of Specific learning Disability. The student is eligible in areas of reading comprehension, written expression and listening comprehension. There were no skill based evaluations completed for this student in these areas.

Student #11 This student is identified on the December 1, 2010 child count under the eligibility category of specific learning disability. The student qualified in the areas of written expression and listening comprehension. There was no skill based evaluation done in the area of listening comprehension.

**Required Action:** (Describe the action steps the district must take to correct each file)

Students 3,10,11: The district must conduct additional evaluation to gather skill based assessment in the areas of disability for each of these students. Evaluation reports with dates must be written and copies provided to parents. The IEP teams must meet to amend the present levels of academic achievement and functional performance (PLAAFP) and use the skill base assessment to develop the content of the IEP (PLAAFP).

**Data To Be Submitted:** (Describe the specific data that must be submitted for each file)

Students 3,10,11: The district must submit the prior notice/consents for the administration of the skill based assessment, the prior notice for the meeting to amend the IEPs and the amended IEP that include the skill based information to develop the PLAAFP.

**Timeline for Completion:** (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader.

**November 15, 2011**

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

<p><b>Required Action:</b> (Describe specifically, who and what steps must be taken by the district to verify continued compliance with the ARSD)</p> <p>The district must consistently implement skill based assessment as part of the evaluation process and develop evaluation reports that can be given to parents. The skill based assessment must be used when determining eligibility/educational impact and used in the development of the student's educational program (IEP).</p>
<p><b>Data To Be Submitted:</b> (Describe specifically, what data and by whom must be submitted to verify continued compliance with the ARSD)</p> <p>Each special education teacher must submit the following documents for one student who has been initially evaluated or reevaluation since the on-site review:</p> <ol style="list-style-type: none"> <li>1) Referral (initial only)</li> <li>2) prior notice/consent for evaluation</li> <li>3) evaluation reports (including skill based assessment)</li> <li>4) eligibility document</li> <li>5) IEP</li> </ol>
<p><b>Target Date for Completion:</b> (Document the specific date by which the district must verify continued correction and submitted documentation to the team leader.</p> <p><b>February 15, 2012</b></p>
<p><b>All non-compliance must be corrected within 1 year of this report date.</b></p>
<p><b>Date:</b></p> <p><b>Status Report:</b></p>

## **5.GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**24:05:27:12. Graduation requirements.** Completion of an approved secondary special education program with a regular high school diploma signifies that the student no longer requires special education services. A regular high school diploma does not include an alternative degree that is not fully aligned with the state's academic standards, such as a certificate or a general educational development credential (GED). Graduation from high school with a regular high school diploma constitutes a change in placement requiring written prior notice in accordance with this article.

The instructional program shall be specified on the individual educational program. The individual educational program shall state specifically how the student in need of special education or special education and related services will satisfy the district's graduation requirements. Parents must be informed through the individual educational program process at least one year in advance of the intent to graduate their child upon completion of the individual educational program and to terminate services by graduation.

For a student whose eligibility terminates under the above graduation provisions, or due to exceeding the of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting the student's postsecondary goals.

### **Corrective Action:**

<p><b>Prong 1: Correct each individual case of noncompliance</b> (Briefly describe the issues found surrounding this ARSD)</p> <p>Graduation requirements were not addressed one year prior to graduation.</p>
<p><b>File Number(s)</b> (List all file numbers and the issues associated with each file)</p> <p><u>Students 11,12:</u> Graduation requirements were not documented as being discussed one year prior to graduation.</p>
<p><b>Required Action:</b> (Describe the action steps the district must take to correct each file)</p> <p><u>Students 11,12:</u> The district must conduct a meeting and review district specific graduation requirements for each student.</p>
<p><b>Data To Be Submitted:</b> (Describe the specific data that must be submitted for each file)</p> <p><u>Students 11,12:</u> The district must submit the prior notice for the meeting and the amended IEP that includes graduation requirements.</p>



**Timeline for Completion:** (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader.

**November 15, 2011**

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:** (Describe specifically, who and what steps must be taken by the district to verify continued compliance with the ARSD)

The IEP team must consistently address specific graduation requirements one year prior to graduation with each student on an IEP. The district will list all student of transition age and their expected graduation date.

**Data To Be Submitted:** (Describe specifically, what data and by whom must be submitted to verify continued compliance with the ARSD)

The district must submit a list of all students of transition age and their expected graduation date. The district must submit a copy of all IEPs developed within the next 4 month period in which a student of transition age will graduate within one year.

**Target Date for Completion:** (Document the specific date by which the district must verify continued correction and submitted documentation to the team leader.

**February 15, 2012**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**

### **Indicator 3 – Participation/Performance on Assessment**

A-Percent of districts meeting the State's AYP objectives for progress for disability subgroup

B -Participation rate for children with IEP's in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.

C-Proficiency rate for children with IEP's against grade level standards and alternate achievement standards.

#### **Reading:**

**B)** Did the district meet the participation target for the subgroup students with disabilities in the statewide assessment?

**State Target: 99.2% or higher**

**District Rate: 100%**

As we have all students participate in the regular assessment, including students with disabilities.

**C)** Did the district meet the proficiency target for the subgroup of students with disabilities in the statewide assessment?

Grades K-8

**State Target: 69% or higher**

**District Rate: 23.2%**

We have addressed this in school improvement goals, which will be rolled out during a district in-service with teachers.

We will monitor student progress through focused assessments throughout the year.